

1 **P O R T E R | S C O T T**

2 A PROFESSIONAL CORPORATION

3 John R. Whitefleet, SBN 213301

4 350 University Ave., Suite 200

5 Sacramento, California 95825

6 TEL: 916.929.1481

7 FAX: 916.927.3706

8
9 Attorneys for Defendant COUNTY OF STANISLAUS

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BALJIT ATHWAL, et al.,

CASE NO. 1:15-cv-00311-TLN-BAM

Plaintiffs,

**STIPULATION AND ORDER TO
CONSOLIDATE FOR PURPOSES OF
DISCOVERY**

v.
COUNTY OF STANISLAUS, et al.,

Defendants.

GEORGIA DEFILIPPO, et al.,

CASE NO. 1:18-cv-00496-TLN-BAM

Plaintiffs,

v.
COUNTY OF STANISLAUS, et al.,

Defendants.

EDUARDO QUINTANAR, JR.

CASE NO. 1:18-cv-01403-TLN-BAM

Plaintiff,

v.
COUNTY OF STANISLAUS, et al.,

Defendants.

1 FRANK CARSON,

CASE NO. 1:20-cv-00747-TLN-BAM

2 Plaintiff,

3 v.

4 COUNTY OF STANISLAUS, et al.,

5 Defendants.

6 _____ /
7 WALTER W. WELLS, et al.,

CASE NO. 1:20-cv-00770-TLN-BAM

8 Plaintiffs,

9 v.

10 COUNTY OF STANISLAUS, et al.,

11 Defendants.

12 _____ /
13
14 The parties submit the following Stipulation to Consolidate the above matters for purposes of
15 discovery:

16 The above cases all arise out of the investigation into the murder of Korey Kauffman, and
17 prosecution of criminal charges against each of the Plaintiffs.

18 On February 26, 2015, Plaintiffs Baljit Athwal, Navneet Athwal and Daljit Atwal filed the First-
19 Filed Action against the County of Stanislaus, City of Turlock, City of Modesto, City of Ceres, the
20 Stanislaus County Office of the District Attorney, Kirk Bunch, Jon Evers, Timothy Redd, Dale
21 Lingerfelt, Steve Jacobson, Birgit Fladager, Galen Carroll, and Paul Edward Jones, asserting
22 constitutional violations during Defendants' investigation of the murder of Korey Kauffman, including
23 their arrest pursuant to warrant. The matter was stayed pending the resolution of the criminal
24 proceedings. Following an acquittal on June 28, 2019, the stay was lifted and on September 26, 2019,
25 plaintiffs sought leave to amend to add malicious prosecution claims, and that motion was granted in
26 Document 85, on July 28, 2020.

27 On April 10, 2018, Plaintiffs Georgia DeFilippo and Christina DeFilippo filed an action against
28 the County of Stanislaus, City of Turlock, City of Modesto, City of Ceres, Birgit Fladager, Marlissa

1 Ferreira, Kirk Bunch, Steve Jacobson, Dale Lingerfelt, Froilan Mariscal, Lloyd MacKinnon, Jon Evers,
2 Derek Perry, Cory Brown, Greg Jones, Timothy Redd, Kenneth Barringer and Frank Navarro, asserting
3 constitutional violations as arising from investigation of the murder of Korey Kauffman, including their
4 arrest pursuant to warrant, and malicious prosecution following the dismissal of the charges against
5 them. This case was stayed pending resolution of the criminal charges against others, which was lifted
6 following acquittals in June 2019. On May 21, 2020, Plaintiffs were granted leave to amend, and a First
7 Amended Complaint was filed. Defendants have moved to dismiss which is pending.

8 On October 11, 2018, Plaintiff Eduardo Quintanar Jr, filed an action against County of
9 Stanislaus, City of Modesto, Birgit Fladager, Marlissa Ferreira, Kirk Bunch, Steve Jacobson, Cory
10 Brown, and Jon Evers asserting constitutional violations as arising from investigation of the murder of
11 Korey Kauffman, including his arrest pursuant to warrant, and malicious prosecution following the
12 dismissal of the charges against him. This case was stayed pending resolution of the criminal charges
13 against others, which was lifted following acquittals in June 2019. Defendants moved to dismiss the
14 Complaint and in response, Plaintiffs filed a First Amended Complaint on May 18, 2020. Defendants
15 have filed a motion to dismiss which is currently pending.

16 On May 28, 2020, Plaintiff Frank Carson filed an action against County of Stanislaus, City of
17 Modesto, City of Ceres, Birgit Fladager, Marlissa Ferreira, David Harris, Kirk Bunch, Steve Jacobson,
18 Jon Evers, Derek Perry and Cory Brown, asserting constitutional violations as arising from investigation
19 of the murder of Korey Kauffman, including his arrest pursuant to warrant, and malicious prosecution
20 following the acquittal of the charges against him. Defendants have moved to dismiss which is pending.

21 On May 29, 2020, Plaintiffs Walter Wells and Scott McFarlane filed an action against County of
22 Stanislaus, City of Modesto, City of Ceres, the Stanislaus Office of District Attorney, Birgit Fladager,
23 Kirk Bunch, Steve Jacobson, Jon Evers, Dale Lingerfelt, Derek Perry and Cory Brown, asserting
24 constitutional violations as arising from investigation of the murder of Korey Kauffman, including his
25 arrest pursuant to warrant, and malicious prosecution following the dismissal of the charges against
26 them. Defendants have moved to dismiss which is pending.

27 ///

28 ///

1 On June 17, 2020, the court related the above-captioned cases.
2

3 Plaintiffs and Defendants recognize and stipulate that these cases involve a common question of
4 law or fact per Federal Rule of Civil Procedure Rule 42. The cases concern the same parties, the same
5 events, the same or similar claims, and the same or similar questions of law. Consolidating these related
6 cases for purposes of discovery will conserve judicial resources and promote an efficient determination
of the actions, streamline and economize pretrial proceeding and avoid unnecessary costs.

7 Dated: November 13, 2020

MORRISON & FOERSTER LLP

8

9 By /s/ Robert Sandoval (authorized on 11-13-2020)

10 Robert Sandoval
11 Attorneys for Plaintiffs
12 BALJIT ATHWAL, NAVNEET ATHWAL,
DALJIT ATWAL, and KARAN INC., dba
POP-N-CORK

13 Attorneys for Plaintiffs
14 WALTER WELLS and
SCOTT McFARLANE

15

16 Dated: November 13, 2020

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER

17

18 By /s/ Jayme L. Walker (authorized on 11-13-2020)

19 Jayme L. Walker
20 Attorneys for Plaintiffs
21 GEORGIA DEFILIPPO and
CHRISTINA DEFILIPPO

22 Attorneys for Plaintiff
23 FRANK CARSON

24 Attorneys for Plaintiff
25 EDUARDO QUINTANAR, JR.

1 Dated: November 13, 2020

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP

2
3 By /s/ Patrick Moriarty (authorized on 11-13-2020)

4 Patrick Moriarty
5 Attorneys for Defendants
6 CITY OF MODESTO, CHIEF GALEN
7 CARROLL and DETECTIVE JON EVERSON

8 Dated: November 13, 2020

9 ARATA SWINGLE VAN EDMOND & HEITLINGER

10 By /s/ Bradley S. Swingle (authorized on 11-13-2020)

11 Bradley S. Swingle
12 Attorneys for Defendants
13 CITY OF CERES, CITY OF TURLOCK,
14 TIMOTHY REDD and DEREK PERRY

15 Dated: November 13, 2020

16 NUSSBAUM APC

17 By /s/ T. J. Stephens authorized on 11-13-2020)

18 T.J. Stephens
19 Attorneys for Defendant
20 PAUL EDWARD JONES

21 Dated: November 13, 2020

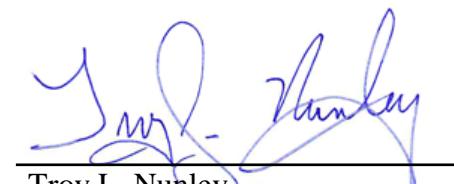
22 PORTER SCOTT
23 A PROFESSIONAL CORPORATION

24 By /s/ John R. Whitefleet

25 John R. Whitefleet
26 Attorneys for Defendants
27 COUNTY OF STANISLAUS, STANISLAUS
28 COUNTY OFFICE OF THE DISTRICT
ATTORNEY, BIRGIT FLADAGER, KIRK
BUNCH, STEVE JACOBSON, DALE
LINGERFELT, CORY BROWN, MARLISSA
FERREIRA, DAVID HARRIS

1 PURSUANT TO STIPULATION, these matters are consolidated for purposes of discovery.
2

3 Dated: November 13, 2020
4

5 
6 Troy L. Nunley
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28